



### **America's Voices from the Border**

#### ***Excerpts from Today's Hearing on "Border Vulnerabilities and International Terrorism" in San Diego***

The House Subcommittee on International Terrorism and Nonproliferation is holding their first field hearing today in San Diego examining the topic of "Border Vulnerabilities and International Terrorism." Below are excerpts from the prepared testimony of some of the expert witnesses who are testifying.

#### **Sheriff Rick Flores, Webb County, Texas**

**"As open as our borders are to narcotics and human smuggling ... Our southern border is ripe for a terrorist pipeline."**

**"In point of fact, anybody with terrorist motives, of any nationality, can find a place in the smugglers' pipeline. There's room for anything and anybody."**

**"So long as smugglers get top dollar, they'll turn a blind eye to any threat their cargo—human or otherwise—might pose to the safety of Americans."**

**"Keep in mind; they care nothing of sneaking high-risk infiltrators across our borders—so long as the money is right. They care nothing of potential threats to the safety and security of the United States—so long as the money is right."**

**"They seem to have a free hand in their operations and they've been unstoppable for decades. We need help."**

*Sheriff Flores has served as sheriff of Webb County since January 2005. He has extensive law enforcement experience in a variety of areas including the illegal drug trade.*

#### **Sheriff Bill Kolender, San Diego County, California**

**"Experts from both private and public sectors agree that the porous southwest border is an inviting avenue of illegal entry for possible terrorists. In 2005 and 2006 there were five border tunnels located in San Diego County running from**

Mexico into the United States. While it is known that these tunnels were used primarily to smuggle illicit drugs, the same could easily be said for the smuggling of human cargo to possibly include terrorists.”

“Al Qaeda continues to be one of the largest international terrorism threats to the United States. **Many experts agree that Al Qaeda has studied narcotics traffickers and it is suspected that there are established ties between the two.** San Diego knows firsthand. Al Qaeda has been here in the past as evidenced by the two 9/11 hijackers that resided here during the initial planning stages of the attack.”

*Sheriff Kolender became one of the youngest big city police chiefs in the nation when he was appointed chief of the San Diego Police Department at the age of 40, a post he has held for 13 years. He is currently in his third term as sheriff of San Diego County.*

#### **Sheriff Leroy Baca, Los Angeles County, California**

“Los Angeles County is more than 100 miles from the Mexican border, but we feel the effects of its vulnerability.”

**“It makes logical sense that anyone wishing to enter the United States illegally would use paths that have proven successful in the past.** Millions of illegal immigrants have successfully crossed our southern border and are living undetected within Los Angeles County. While most have come looking to improve their economic status in life, the obligation of all of us in public safety is to, first, keep those that would harm the United States from entering, and second, remove them from our community should we find them already here. As the elected leader of the Los Angeles County Sheriff’s Department, I am committed to expanding cooperation with all federal, state and local agencies in our efforts to combat terrorism. **The citizens of Los Angeles County and the nation deserve a secure homeland.”**

*Sheriff Baca commands the largest sheriff’s department in the United States, where he supervises over 15,000 sworn and professional staff.*

#### **Professor Kris W. Kobach, University of Missouri—Kansas City School of Law**

**On the importance of empowering local law enforcement:**

“One of most important lessons that our country learned on 9/11 was that state and local police can make the difference between an unsuccessful terrorist plot and an attack that kills 3,000. In the aftermath of the attack, we learned that five of the nineteen hijackers had violated federal immigration laws while they were in the United States. **All five terrorists committed civil, not criminal, immigration violations.** Amazingly, four of the five were actually stopped by local police for speeding. All four terrorists could have been arrested, if the police officers had asked the right questions and realized that they were illegal aliens.”

“All of the 9/11 hijackers’ encounters with local law enforcement were missed opportunities of tragic dimension. If even one of the police officers had made an arrest, the terrorist plot might have unraveled.”

**“Buried deeply in the Senate Bill is a provision would disarm America’s state and local police in the war against terrorism.** Section 240D contains a statement that would have the effect of barring state and local police officers from making arrests for civil violations of immigration law—precisely the sort of violations that terrorist have demonstrated a propensity to commit. ... all of the five 9/11 hijackers who committed immigration violations committed *civil* violations. Under the Senate Bill, police officers would have no power to arrest such terrorists.”

#### **On how the Senate bill blocks construction of needed border barriers:**

“The greatest impediment to the construction of fencing is found in Section 117, primarily in subsection (d) (of the Senate bill). This section creates a massive and unusual consultation requirement that must be satisfied “before the commencement of any construction.” It stipulates that U.S. officials at the federal, state, and local level must consult with their counterparts in Mexico. I know of no other provision in U.S. law where the federal government attempts to compel state and local governments to engage in consultation as a prerequisite to action at the federal level. This aspect of Section 117(d) is an open invitation to delay construction indefinitely ...”

*Professor Kobach holds degrees from Harvard University, Oxford University, and Yale Law School. He is a professor of law at the University of Missouri-Kansas City, the author of two books and numerous articles, and a frequent legal commentator on national news programs.*

**Gregory Kutz, Managing Director, Forensic Audits and Special Investigations,  
Government Accountability Office**

“Our investigation was conducted as a result of widespread Congressional and public interest in the security of our nation’s borders, given today’s unprecedented terrorism threat environment. Our investigation was conducted under the premise that given today’s security environment, our nation’s border must be protected from the smuggling of radioactive sources by terrorists.”

**“GAO’s investigators, using counterfeit documents, were able to enter the United States with enough radioactive sources in the trunks of their vehicles to make two dirty bombs.”**

*Mr. Kutz is the managing director of GAO’s Forensic Audits and Special Investigations Unit (FSI), which works to provide Congress with high-quality forensic audits and investigations of fraud, waste, and abuse, and evaluations of security vulnerabilities and other requested investigative services.*

**T.J. Bonner, President, National Border Patrol Council**

“Nearly five years after the horrific terrorist attacks of Sept. 11, 2001, the border of the United States remains **disturbingly porous.**”

“... millions of illegal aliens and untold quantities of contraband continue to slip across our borders annually.”

“Unfortunately, illegal aliens and contraband smuggled across the border by sophisticated organizations are rarely detected and apprehended.”

**“There is little serious question about the vulnerability of our Nation’s borders.”**

*Mr. Bonner is the president of the National Border Patrol Council of the American Federation of Government Employees, AFL-CIO, the labor organization that represents more than 10,500 non-supervisory Border Patrol employees. He has been a Border Patrol agent in the San Diego, California area since 1978.*